

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DENNIS MURPHY, Guardian Ad Litem
for N.E.D., an incapacitated minor; JACOB DOTSON;
DOMINIQUE BILLY, individually and as next friend
of I.C. and S.D., minors,

Plaintiffs,

No. 1:17-cv-00384 JAP/JHR

vs.

THE UNITED STATES OF AMERICA,

Defendant.

FINAL JUDGMENT

This matter came before the Court for a bench trial on September 17, 2019 through September 20, 2019. This Court's Findings of Fact and Conclusions of Law (Doc. 267) entered on July 27, 2020, and its Memorandum Opinion and Order (Doc. 276) entered on February 12, 2021, awarded damages, attorney fees, New Mexico Gross Receipts Tax, taxable costs, and post-judgment interest to Plaintiffs, with an offset of \$600,000.00 in favor of Defendant to prevent double recovery of non-medical damages. The Court now enters final judgment.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiffs recover from Defendant compensatory damages in the amount of \$15,357,497.00, to be allocated as follows:

1. \$500,000.00, as stipulated by the parties, for past medical expenses.
2. \$637,840.00 to Plaintiff Dominique Billy for past medical care of Plaintiff N.E.D.
3. \$14,219,657.00 for future medical expenses, to be placed in a reversionary trust in accordance with the Court's instructions set forth in its Memorandum Opinion and Order (Doc. 276).

IT IS FURTHER ORDERED that Plaintiffs recover attorney fees in the amount of 25 percent of the judgment, or \$3,839,374.25, in accordance with 28 U.S.C. § 2678; and it is

FURTHER ORDERED that Plaintiffs recover New Mexico Gross Receipts Tax in the amount of 7.875 percent of the amount for attorney fees, or \$302,350.72; and it is

FURTHER ORDERED that Plaintiffs shall recover taxable costs in accordance with 28 U.S.C. § 1920, to be submitted as a separate Bill of Costs within 30 days of this Final Judgment pursuant to and otherwise in accordance with D.N.M. LR-Civ. 54. Such costs are subject to approval by the Court; and it is

FURTHER ORDERED that Plaintiffs shall recover post-judgment interest only to the extent provided for by 31 U.S.C. § 1304. That is, interest shall begin to accrue on this Final Judgment “only when the judgment becomes final after review on appeal or petition by the United States Government, and then only from the date of filing of the transcript of the judgment with the Secretary of the Treasury through the day before the date of the mandate of affirmance.” *Id.* § 1304(b)(1)(A). At that time, post-judgment interest, if any, shall be calculated in accordance with 28 U.S.C. § 1961.

IT IS SO ORDERED AND ADJUDGED.

/s/ Richard K. Eaton

Richard K. Eaton, Judge
U.S.D.J., by Designation

Dated: February 18, 2021